

Application Serial No. 09/560,392
Amendment B
Reply to Office Action of August 30, 2005

REMARKS/ARGUMENTS

This paper is being submitted in response to the Non-Final Office Action dated August 30, 2005, having a shortened statutory period set to expire November 30, 2005, wherein:

Claims 45-49, 51-55, and 57-59 were previously pending; and

Claims 45-49, 51-55, and 57-59 were rejected.

Claims 45-49, 51-55, and 57-59 have been amended, no claims have been added or canceled by this amendment. Accordingly, claims 45-49, 51-55, and 57-59 remain currently pending in the above-identified patent application. Applicants submit that no new matter has been added by this amendment and respectfully request reconsideration of all pending claims in light of the amendments and remarks made herein.

Claim Rejections under 35 U.S.C. § 103

In the present Office Action, claims 45-49, 51-55, and 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,823,327 issued to Klug et al., (hereinafter, "*Klug*") in view of United States Patent No. 6,915,271 issued to Meyer et al., (hereinafter, "*Meyer*") and further in view of United States Patent No. 6,055,573 issued to Gardenswartz, (hereinafter, "*Gardenswartz*"). While not conceding that the Examiner's cited references qualify as prior art but in the interest of expediting prosecution, Applicants have elected to traverse in part and in part overcome the Examiner's rejections as follows. Applicants reserve the right, for example in a continuation application, to establish that one or more of the Examiner's cited reference do not qualify as prior art with respect to the invention embodiments claimed in the above-identified application.

With regard to Applicants' claim 45 as previously submitted, the Examiner states in the present Office Action that the Abstract and Figs. 1-3, 5-6, and 9 of *Klug* teach, "receiving" a user profile, "inserting" each of a plurality of profile elements of the user profile into a specified plurality of electronic registration elements required for electronic registration at a particular server system of a plurality of server systems, and "transmitting" a registration indicator for the particular user, such the said particular user is automatically registered with a plurality of

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consumer providers by transmitting the user profile to the plurality of server systems as previously claimed. The Examiner further states that while *Klug* fails to teach the utilization of cookies, a portable computer or "targeting", *Meyer* and column 11, lines 55-65 of *Gardenswartz* teach the use of a portable user or computer device and column 8, lines 17-25 of *Meyer* teaches a registration indicator such as a cookie which can be stored on the user device.

In light of the Examiner's rejection, Applicants have amended claim 45 to recite a method for automatically electronically registering a user, comprising *inter alia*,

generating a request to transmit a plurality of profile elements to a selected server system from among a plurality of server systems;
transmitting said request to a portable computer system in response to a determination that said portable computer system is within a particular proximity to said plurality of server systems;
receiving a user profile comprising said plurality of profile elements in a particular transmittable data format at said selected server system from said portable computer system, wherein
said selected server system is identified at said portable computer system utilizing data within said plurality of profile elements specifying a consumer preference in response to a receipt of said request at said portable computer system

(Applicants' claim 45, as amended, emphasis supplied). Applicants respectfully submit that the Examiner's referenced portions of neither *Klug*, *Meyer*, nor *Gardenswartz* teach or are cited by the Examiner as teaching the elements of claim 45 indicated above. In the present Office Action, the Examiner notes at page 5, paragraph 4 that, "while specific references were made to the prior art it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to." Applicants respectfully submit that while the teachings of the cited references are to be considered as a whole, 37 C.F.R. §1.104(c)(2) requires that, "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." (emphasis supplied) Consequently, Applicants respectfully request that the Examiner cite with specificity those portions, if any, of the cited references' teachings which are believed by the Examiner to teach, show, or suggest the indicated elements of Applicants' claims as amended herein.

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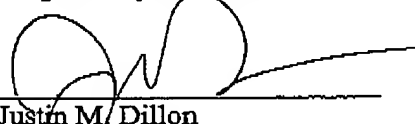
For at least the foregoing reasons, Applicants respectfully submit that claim 45, as amended herein, is allowable in view of the Examiner's cited references. Applicants submit that each of claims 51 and 57 (as amended) include one or more elements substantially similar to those described herein with respect to claim 45 and are therefore allowable for at least the reasons stated with respect to that claim. All remaining claims depend directly or indirectly from Applicants' claims 45, 51, or 57 and are therefore similarly allowable.

CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and request a Notice of Allowance thereof.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please credit any overpayments and charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0447**.

Respectfully submitted,



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